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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 017661-0180

Applicant: Yushi NIWA
Title: DATA DISTRIBUTION SYSTEM
Application No.: 09/978,539
Filing Date: October 18, 2001
Examiner: Jasmin, Lynda C.
Art Unit: 3627

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

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TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION AND STATEMENT

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A6 – A11 listed on the Form PTO SB/08 submitted with this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months from the date of mailing of the foreign search report, was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement. Items of information A1, A4 and A5 are U.S. patents that are counterparts to item of information A9. Items of information A2 and A3 are U.S. patents that are counterparts to item of information A11.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued August 3, 2004 with respect to a counterpart Japanese patent application is provided below.

“Records

(Refer to the Index of References for cited literatures.)



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Reason 1
Claims 1-9, References 1 and 2

Reference 1 teaches a technology related to a software allocation system wherein a user judges whether or not the next partial software exists in multiple units of partial software divided into each predetermined unit.

Reference 2 teaches a technology wherein scrambling information or usage disabling set-up can be added to the Karaoke song information or game software, and only after payment is made the scrambling information is released or the usage disabling flag can be switched to usable flag in order to allow the use.

Reference 1 teaches that a fare is set up for each partial software. A person skilled in the art can appropriately adjust the design so that the payments for each partial software can be made at once when using the first partial software.

It is not difficult to apply the technology of Reference 2 to have the structure of Claim 1 of the subject application as a use permission method for the first partial software.

The invention of Claims 2-9 is merely the design items that a person skilled in the art can appropriately modify.

Reason 2

As for the phrase, "at earliest", used in Claims 1-4 of the subject application, the standard to compare with the point in time where a part of data becomes regeneratable is unclear. Therefore the scope of the invention is unclear.

The same can is true for Claims 5-9.

Index of Cited References

1. JP 08-202638
2. JP 08-205119

Record of Prior Art Literature Search Results

- Searched field - IPC 7TH edition - G06 F13/00G06 F17/60

- Prior Art Literature
JP 2000-35885
JP 11-154184

International Publication 98/11723 pamphlet - JP 08-173634."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

September 2, 2004
Date

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